

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN COCHRANE,
Plaintiff,

No. C 15-01234 WHA

v.

OPEN TEXT CORPORATION AND
OPEN TEXT INC.,
Defendants.

**ORDER RE ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

Defendants moved to seal Exhibits 6, 9, 12, and 13 to the Declaration of Darryl Stein in support of their motion to vacate the arbitration award. In response, plaintiff submitted a declaration stating that these documents are confidential and should remain under seal. Exhibit 6 contains emails between plaintiff Kevin Cochrane and Open Text management regarding allegedly confidential employment issues. Exhibit 9 contains more allegedly private emails between plaintiff and human resources personnel at Open Text. Exhibit 12 is plaintiff's declaration from the underlying arbitration which he contends was a "private proceeding." Exhibit 13 is plaintiff's rebuttal declaration from the underlying arbitration, which contains personal and private cell phone records. In sum, plaintiff's declaration asserts that all of these documents concern confidential subject matter — the same subject matter at issue in our case.

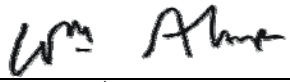
Plaintiff's declaration does not address the "compelling reasons" standard that applies to documents filed under seal. In *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006), our court of appeals held that a "strong presumption of access to

1 judicial records applies fully to dispositive pleadings” and “‘compelling reasons’ must be shown
2 to seal judicial records attached to a dispositive motion.” Moreover, the burden of meeting the
3 “compelling reasons” standard falls squarely on the shoulders of the “party seeking to seal a
4 judicial record.” *Id.* at 1179.

5 Since plaintiff’s declaration did not address the “compelling reasons” standard set forth
6 in
7 *Kamakana*, it has not met its burden of showing why the proffered documents must be sealed.
8 As such, the motion is **DENIED**.

9
10 **IT IS SO ORDERED.**

11
12 Dated: May 26, 2015.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE